

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,535	11/16/1999	KARL KLAGHOFER	GR-98-P-5938	4486
7590 10/02/2003 LERNER AND GREENBERG PA			EXAMINER	
			NGUYEN, STEVEN H D	
PO BOX 2480 HOLLYWOOD, FL 330222480			ART UNIT	PAPER NUMBER
	,		2665	12
			DATE MAILED: 10/02/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Advisory Action	09/441,535	KLAGHOFER ET AL.			
	Examiner	Art Unit			
·	Steven HD Nguyen	2665			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address					
THE REPLY FILED 28 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.					
PERIOD FOR REPLY [check either a) or b)]					
a) \square The period for reply expires <u>3</u> months from the mailing date of the final rejection.					
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.					
2. The proposed amendment(s) will not be entered because:					
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);					
(b) they raise the issue of new matter (see Note below);					
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or					
(d) they present additional claims without canceling a corresponding number of finally rejected claims.					
NOTE:					
3. Applicant's reply has overcome the following reject	tion(s):				
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).					
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.					
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.					
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we					
The status of the claim(s) is (or will be) as follows:					
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: <u>1-4</u> .					
Claim(s) withdrawn from consideration:					
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.					
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).					
10. Other:	/ · · · · · · · · · · · · · · · · ·	Steven HD Nguyen			
		Primary Examiner Art Unit: 2665			

Continuation of 5. does NOT place the application in condition for allowance because: the applicant states that Kumar does not disclose an end terminal which includes a multipoint controller for mixing the signals and broadcasting to the mixed signals to the terminals. In reply, Kumar discloses in Fig 2a, Ref 220 and 218 is terminal wherein the Multipoint controller is located within the terminal in order to mixing the signals for transmitting to the terminals by using point "Fig 2a, Ref 220 and 218" to multipoint "214 and 212" (See col. 3, lines 55 to col. 4, lines 25) .

STEVEN H.D NGUYEN PRIMARY EXAMINER